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T.R.A. DOCKET ROOM

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May 20, 2004

Via Hand Delivery

Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re In re. Tennessee Regulatory Authority Telephone Service Standard Rules
Docket No. 003-00391

Dear Chairman Tate

Enclosed for filing in the above-referenced proceeding are an original and thirteen copies of the Answer of Citizens Telecommunications Company of Tennessee LLC to Second Set of Discovery from Consumer Advocate Division of Office of Attorney General

Should you have any questions, please do not hesitate to call

Very truly yours,

STOKES BARTHOLOMEW
EVANS & PETREE P A



Charles W. Cook

CWC/eu
Enclosures

cc All parties of record (w/enclosure)

RECEIVED

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: T.R.A. DOCKET ROOM)
PETITION FOR EXEMPTION OF)
CERTAIN SERVICES) DOCKET NO. 03-00391
)

**ANSWER OF CITIZENS TELECOMMUNICATIONS COMPANY OF TENNESSEE,
LLC TO SECOND SET OF DISCOVERY FROM CONSUMER ADVOCATE DIVISION
OF OFFICE OF ATTORNEY GENERAL**

Comes now Citizens Telecommunications Company of Tennessee, L.L.C. ("Citizens") and makes the following responses to second set of discovery requests submitted by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"):

INTERROGATORIES

Interrogatory No. 1

Identify each expert witness you intend to present in this docket and, for each, state:

- a) the subject or subjects upon which the expert will testify,
- b) the basis for your assertion that the witness is qualified as an expert including, but not limited to, a current curriculum vitae;
- c) all tests, studies, measurements, experiments, or other analysis or actions performed or observed by the expert relating to the expert's testimony;
- d) all opinions that the expert will present in this docket and the basis for each opinion; and
- e) all facts of which you or the expert are aware that support those opinions.

Response:

Citizens has not designated an expert witness at this time

Interrogatory No. 2

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 15, wherein Citizens stated, "Citizens incorporates the response to the Interrogatory by BellSouth" Refer further to BellSouth's response to the Consumer Advocate's first discovery request, Interrogatory No. 15, wherein BellSouth stated, "The only *cause* of an increase or decrease in rates for intraLATA toll service in a competitive market would be market forces" Set forth and describe with specificity the market forces in the Tennessee intraLATA toll market that would cause an increase in rates for intraLATA toll services in Tennessee

Response:

Citizens objects to this request to the extent that it calls for Citizens to speculate as to future market conditions. Otherwise, the term "market conditions" is self-explanatory Rates may be offered to meet price competition or changes in the cost for providing the services

Interrogatory No. 3

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 1, wherein Citizens stated, "The Authority shall retain jurisdiction to hear complaints relating to the intraLATA toll services provided by any carrier in Tennessee, except that such complaints shall not be heard with respect to pricing other than complaints for below-cost pricing" If exemption is granted as sought by Citizens in this docket,

identify the statutory basis for the TRA's "jurisdiction to hear complaints" as well as the legal claims, including, but not limited to, claims for anticompetitiveness and discrimination, over which the TRA would retain jurisdiction to hear complaints relating to the intraLATA toll services provided by any carrier in Tennessee. In your response, reference those authorities (e g , statutes, rules or orders) on which a prospective complainant, including both consumers and competing toll carriers, could base such claims

Response:

Citizens objects to this request because it requires legal conclusions, which are not appropriate discovery requests

Interrogatory No. 4

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No 2, wherein Citizens stated, "Citizens does not offer certain area calling plans for sale to CLECs pursuant to the resale obligations set forth in the Act " Identify the "certain area calling plans" that Citizens offers for resale pursuant to the federal Telecommunications Act of 1996, and for each of the "certain area calling plans" identified, provide the volume of resale provisioned by the Company in Tennessee pursuant to existing federal resale obligations Provide a reference to the section number of Citizens' tariff for each of the "certain area calling plans" identified in your response

Response:

The area calling plans identified by Citizens in its response to first discovery request Interrogatory No 2 are extended area service (EAS) plans offered by the Citizens Incumbent Local Exchange Carriers Citizens described these plans in its response in order to make its

answer complete. However, Citizens does not view these plans as intraLATA toll services that would be a subject of Citizens' petition in this docket. Citizens does not have readily available the number of such plans that are currently resold pursuant to the Telecommunications Act of 1996. However, Citizens does not believe that such information is in any way relevant to this proceeding, because these plans would not be affected by this docket. See also the responses to Interrogatory No. 4 and No. 5 below.

Interrogatory No. 5

If exemption is granted as sought by Citizens in this docket, state for each of the “certain area calling plans” identified in response to Interrogatory No. 4, herein, whether Citizens would continue to make these same retail services available for resale at the wholesale discount rate established by the TRA.

Response:

Citizens is not requesting an exemption in this docket for the area calling plans discussed in the response to Interrogatory No. 4 above. Citizens will continue to make these area calling plans available for resale as it does today. They will remain tariffed regardless of the outcome of this docket.

Interrogatory No. 6

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 2, wherein Citizens stated, “With respect to changes related to tariffing, like our IXC competitors, Citizens would submit a price list establishing the price or

price band-range at which it will offer intraLATA toll services. Citizens will withdraw all those tariffs currently on file with the Authority which involve intraLATA toll services and file revised tariffs providing rates for Citizens intraLATA toll service offerings ” If Citizens is permitted to withdraw its current tariffs and submit revised tariffs or price lists establishing a price band-range at which it will offer intraLATA toll services, would Citizens offer the intraLATA toll services for resale at the wholesale discount off the lowest price contained in the price band-range? If not, explain in detail how Citizens would determine the wholesale price of resold services for those intraLATA toll services where Citizens is permitted to submit a revised tariff or price list establishing a price band-range

Response:

As discussed in response to Interrogatory No. 4 and No 5 above, Citizens views the area calling plans that are available for resale at a discount as local services, not intraLATA toll services that would be affected by this docket. The intraLATA toll services that would be affected by this docket are not local services. Only local services are available for resale at a discount under the Telecommunications Act of 1996. Accordingly, Citizens' intraLATA toll services are not now subject to a wholesale discount, nor would they be subject to a wholesale discount if Citizens' petition in this docket is granted. Citizens therefore has no need or requirement to compute a wholesale discount on the intraLATA toll services subject to this docket.

Interrogatory No. 7

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No 2, wherein Citizens stated, "As a general matter, Citizens'

offering of intraLATA toll services would substantially mirror the practices used by interexchange carriers in Tennessee if exemption is granted as sought by BellSouth and Citizens in this docket ” Set forth and describe with specificity how Citizens’ offering of intraLATA toll services would substantially mirror the practices used by interexchange carriers in Tennessee if exemption is granted as sought by BellSouth and Citizens in this docket

Response:

Citizens objects to this request insofar as Citizens’ response referenced therein speaks for itself, and the request calls for Citizens to speculate with respect to its actions in the future

Interrogatory No. 8

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market shares of respective wireline carriers

Response:

Citizens does not maintain the information requested except as provided in response to Interrogatory No. 10.

Interrogatory No. 9

With respect to the market for interLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market shares of respective wireline carriers.

Response:

Citizens does not maintain the information requested except as provided in response to Interrogatory No 10.

Interrogatory No. 10

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market share of Citizens

Response:

Citizens does not maintain the information requested on a state wide basis. Subject to the Protective Order Citizens will produce a chart showing Frontier Communications of America's share of intraLATA and intraLATA toll service within Citizens' local service areas from January 2004 through April 2004.

Interrogatory No. 11

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market share of Citizens.

Response:

Citizens does not maintain the information requested except as provided in response to Interrogatory No 10.

Interrogatory No. 12

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, state whether or not Citizens is the toll carrier for more than half of the wireline intraLATA toll service traffic in the geographic regions served by Citizens.

Response:

Citizens does not maintain the information requested except as provided in response to Interrogatory No 10

Interrogatory No. 13

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, state whether or not Citizens is the toll carrier for more than half of the wireline interLATA toll service traffic in the geographic regions served by Citizens.

Response

Citizens does not maintain the information requested except as provided in response to Interrogatory No. 10.

Interrogatory No. 14

Identify each person who may have discoverable factual information relative to the subject matter of the intraLATA toll phase of this docket

Response:

Citizen objects to this request as overbroad and unduly burdensome to the extent it calls for Citizens to identify every person who “may” have discoverable information Subject to that

objection, Robert L. Kahn is Citizens' long distance product manager, and he has the most information regarding Citizens IntraLATA offerings

REQUESTS FOR PRODUCTION

Consistent with the preceding definitions and preliminary matters, produce the following communications and documents

Request for Production No. 1

Identify and produce a copy of all communications and documents that specifically discuss or reference the issue of whether existing and potential competition is an effective regulator of the price of intraLATA toll service in Tennessee

Response:

Citizens is not aware of any such documents in its possession.

Request for Production No. 2

Identify and produce a copy of all communications and documents pertaining or referring to the cost or estimated cost of the following services

- a. Two-Point Service (General Customer Services Tariff S13.3)
- b. Wide Area Telecommunications Service (General Customer Services Tariff S14)
- c. Each "certain area calling plan" identified in response to Interrogatory No. 4, herein

Response:

Citizens is not aware of any such documents in its possession relating to cost studies for these items

Request for Production No. 3

Identify and produce a copy of any and all communications and documents reviewed to prepare your responses to these Interrogatories and Requests for Production

Response:

All discoverable documents responsive to this request will be produced.

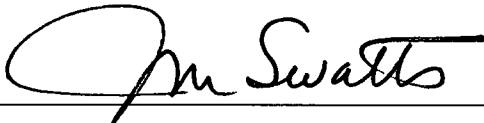
OATH

STATE OF WEST VIRGINIA

COUNTY OF MERCER


I, James Michael Swatts, on behalf of Citizens Telecommunications Company of Tennessee LLC, being first duly sworn according to law, make oath that the preceding answers and responses to the Interrogatories submitted by the Consumer Advocate and Protection Division of the Office of the Attorney General are true, accurate and correct to the best of my knowledge, information and belief.

CITIZENS TELECOMMUNICATIONS
COMPANY OF TENNESSEE, LLC

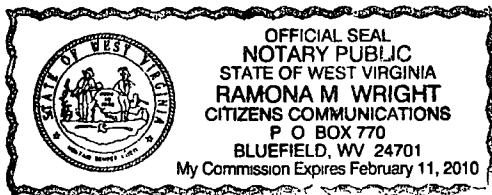
By: 

Its. State Government Affairs Director


Sworn to and subscribed before me, this the 17th day of May, 2004.


Notary Public

My Commission Expires: February 11, 2010



Respectfully submitted,


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Company of Tennessee, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile or first class mail, on May 20, 2004, upon

Joe Shirley, Esq (via hand delivery)
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